

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**AT CHARLESTON**

**UNITED STATES OF AMERICA,**

**PLAINTIFF,**

**v.**

**CRIMINAL ACTION NO. 2:09-00208**

**MARY JANE BOWLING,**

**DEFENDANT.**

**DEFENDANT'S MOTION TO CONTINUE**

Now comes the Defendant Mary Jane Bowling, by counsel, Michael W. Carey, and the law firm of Carey, Scott, Douglas & Kessler, PLLC, and moves this Court to extend the time to submit a response to the draft Presentence Investigation Report and to continue the date of sentencing in this case. In support of said motion, the Defendant states that, pursuant to the Court's Order [Doc. 12] of December 16, 2009, the draft Presentence Investigation Report was due to the Defendant on February 3, 2010, the Defendant's objections thereto are due by February 17, 2010, and the sentencing hearing is scheduled for March 17, 2010. Upon the timely receipt of the draft Presentence Investigation Report, a review thereof revealed that the Director for Workforce West Virginia has advised the Probation Office that it will seek restitution for the full amount of the grant draw down at issue in this case. However, as of this date, Workforce West Virginia has not filed a Declaration of Loss. As such, this Defendant is unable to determine whether a basis exists for contesting said claim. In an effort to further determine the basis of said claim, this Defendant has filed a Freedom of Information Act request with Workforce West Virginia concerning said claim. By statute, the response to the FOIA request is due on February

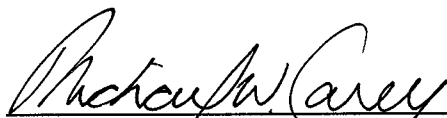
17, 2010, if timely made. A continuance is, therefore, necessary to allow this Defendant to receive the information requested and to evaluate it to determine whether this Defendant will object to said claim of restitution.

WHEREFORE, the Defendant Mary Jane Bowling requests a continuance of at least thirty(30) days to respond to the draft Presentence Investigation Report and for the Court to schedule the sentencing for a date thereafter convenient to the Court.

Respectfully submitted,

MARY JANE BOWLING

By Counsel,

A handwritten signature in black ink, appearing to read "Michael W. Carey", is written over a horizontal line.

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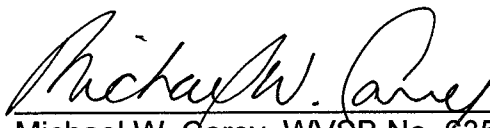
MARY JANE BOWLING,

DEFENDANT.

CERTIFICATE OF SERVICE

I, Michael W. Carey, counsel for Defendant Mary Jane Bowling, do hereby certify that on this the 11<sup>th</sup> day of February, 2010, I have filed the "Defendant's Motion to Continue" using the Court's electronic filing system which will provide notice of such filing to the following:

Thomas C. Ryan, AUSA  
Office of the United States Attorney  
P.O. Box 1713  
Charleston, WV 25326-1713

  
Michael W. Carey, WVSB No. 635